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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,514	09/16/2003	Richard J. Schneider	4164-338	4643
7590 03/08/2005 Marger Johnson & McCollom, P.C. 1030 S.W. Morrison Street Portland, OR 97206			EXAMINER RADA, ALEX P	
			ART UNIT 3714	PAPER NUMBER
DATE MAILED: 03/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

5N

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,514	<b>Applicant(s)</b> SCHNEIDER ET AL.	
	<b>Examiner</b> Alex P. Rada	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

In response to the amendment filed December 20, 2004 in which the applicant's amend claims 2, 10, and 21, previously canceled claim 1, and claims 2-23 are pending in this office action.

### *Drawings*

1. The drawings were received on December 20, 2004. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 2-19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen (Pub. US 2002/0071557).

4. Nguyen discloses the following:

Encrypting a message on the network *at the server* (figure 3 and paragraph 0064, lines 6-9), transmitting the message to one of the gaming machines (paragraph 0044), decrypting the message at the gaming machine (paragraph 44), and providing a function in response to the message (summary and paragraph 0064) as recited in claim 2.

The encrypting the message and decrypting the message is accomplished with a private key pair (paragraphs 0044-0045) as recited in claim 3.

The encrypting the message comprises signing the message (paragraph 0047 and 0061-0062) as recited in claims 4 and 14.

The encrypting the message comprises verifying the message (paragraph 0047 and 0061-0062) as recited in claims 5 and 15.

The encrypting the message comprises both signing and verifying the message (paragraph 0047 and 0061-0062) as recited in claims 6 and 16.

Periodically changing the private key pair (paragraph 0045) as recited in claims 7 and 17.

Identifying the key pair that encrypted the message (ID number in paragraph 0045) as recited in claims 8 and 18.

Identifying the key pair having associating a session number with each key pair (ID number in paragraph 0045) as recited in claims 9 and 19.

Establishing a first key at a first node associated with a gaming machine, establishing a second key at a second node on the network remote from the gaming machine (figure 3), encrypting *an award payment* message at *the second node (paragraph 064)*, transmitting the message to the other node, and decrypting the message at the second node *and operating upon the message at the second node (paragraph 0044-0047 and 0064)* as recited in claim 10.

The message originates at the first node and include data indicating an amount played at the gaming machine, in which the examiner interprets the gaming transaction data capable of encompassing the data indicating an amount played at the gaming machine (paragraph 0016) as recited in claim 11.

The second node is associated with a network computer that receives messages from multiple gaming machines on the network, the messages each including data indicating an amount played on one of the gaming machines, in which the examiner interprets the gaming transaction data capable of encompassing the data indicating an amount played on one of the gaming machines (paragraph 0016) as recited in claim 12.

The encrypting the message and decrypting the message is accomplished with a private key pair (paragraph 0045) as recited in claim 13.

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A first node associated with a gaming machine on the network, a second node located on the network remote from the first node *to transmit award payment messages* (figure 3 and paragraph 0064), a key pair, one key being associated with the first node and the other key being associated with the second node, and a process operable at each node to encrypt messages between the nodes using the key pair *and process operable at the first node to decrypt the payment award messages from the second node* (paragraph 0044-0047 and 0064) as recited in claim 21.

The key pair having a private key pair (paragraph 0045) as recited in claim 22.

The key pairs are periodically changed and the network having a process operable to identify each key pair (paragraph 0044-0047) as recited in claim 23.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (Pub. US 2002/0071557) in view of Weiss et al (US 6,071,190).

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7. Nguyen discloses the claimed invention as discussed above except for the following:

The message originates at the second node and includes data indicating a bonus payable at the gaming machine as recited in claim 20.

Weiss teaches the following:

The message originates at the second node, in which the examiner interprets the message to be the data outcome of the second processing area 60, and includes data indicating a bonus payable at a gaming machine (column 7, lines 17-65) as recited in claim 20. By having secured message to indicate a bonus payout, one of ordinary skill in the art would provide game players with a secure gaming device, which precludes counterfeiting, tampering or modification of critical gaming functions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the transaction data of Nguyen to include data indicating a bonus payable as taught by Weiss to provide game players with a secure gaming device, which precludes counterfeiting, tampering or modification of critical gaming functions.

### *Response to Arguments*

8. Applicant's arguments filed December 20, 2004 have been fully considered but they are not persuasive.

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The applicant contends that the reference of Nguyen does not disclose encrypting an award payment message at the remote server and any messages that initiate the communication between the machine and the server. Nguyen only discloses all of the messages are initiated by the gaming machine and not a server as is claimed in claims 2, 20 and 21.

The examiner agrees that the Nguyen reference does not disclose encrypting an award payment message at the remote server and any messages that initiate the communication between the machine and the server. However, Nguyen does disclose in paragraph 0064 that the encrypting disclose encrypting an award payment message at the remote server and any messages that initiate the communication between the machine and the server as noted in the rejection above.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the



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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

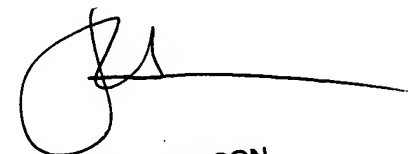
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452.

The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JESSICA HARRISON  
PRIMARY EXAMINER